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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,363	10/21/2003	Attila Simofi-Ilyes	2003P15030US	4230

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Elsa Keller
Intellectual Property Department
SIEMENS CORPORATION
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

MULLINS, BURTON S

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,363

Applicant(s)

SIMOFI-ILYES ET AL.

Examiner

Burton S. Mullins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,8-11 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US 3,129,350) in view of Campbell et al. (US 2002/0117931). Clark teaches a commutator for an electric motor, the commutator comprising: a body (core) 10 having opposing ends (Fig.3), commutator bars 44 attached to a periphery of the body (Fig.4), and oil throw and recovery structure 20 integral with the body and disposed at one of the ends of the body (Figs.2-3&5), the commutator being constructed and arranged to be mounted to a shaft 46 with the oil throw and recovery structure being adjacent to a bearing 50 (Fig.6), the oil throw and recovery structure 20 being constructed and arranged to deflect oil, moving from the bearing and contacting the annular surface, in a direction away from the one end of the body with the annular tip directing the oil back to the bearing (c.2, lines 40-61). Clark's oil throw and recovery structure 20 is integrally molded with the core 10 to eliminate the need for a separate ring (c.1, lines 21-25 & 41-43).

Clark's oil throw and recovery structure 20 "flares outwardly" (c.1, line 35) but does not specifically define "a continuously curved, annular surface terminating in an annular tip".

Campbell teaches a motor with a commutator 40 and an oil throw and recovery structure 80 flaring outwardly from the one end of the body and defining a continuously curved, annular

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surface 82 terminating in an annular tip (Fig.4), the commutator being constructed and arranged to be mounted to a shaft 24 with the oil throw and recovery structure being adjacent to a bearing 78 (Fig.4). The flared and continuously curved, annular surface 82 of the oil throw and recovery structure 80 enables oil excreted from the bearing 78 to be thrown or re-circulated back toward the bearing (paragraph 32).

It would have been obvious to modify the shape of Clark's flared oil throw and recovery structure 20 and provide a continuously curved, annular surface per Campbell's oil throw and recovery structure 80 since this would have been desirable enable oil excreted from the bearing to be thrown or re-circulated back toward the bearing.

Regarding claim note hooks (not numbered) in both Clark (Fig.1) and Campbell (Fig.2).

Regarding claim 4, the diameter of the annular surface in Clark is less than that of the commutator shell 40 (c.2, lines 34-36; Fig.2).

Regarding claim 5, the body or core in Clark comprises electrically insulating material such as phenolic thermosetting resin (c.2, lines 12-13).

Response to Arguments

3. Applicant's arguments filed 15 December 2004 have been fully considered but they are not wholly persuasive. Regarding the rejection of claim 1 over Clark in view of Campbell, applicant says that Clarks structure is "cylindrical to avoid complicated molds", that Campbell's oil throw and recovery structure is "complicated" and that therefore this teaches against the combination. This is not persuasive. First, neither Clark nor Campbell state that their respective oil throw and recovery structures are "complicated", nor is it understood what makes either of

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their respective structures “complicated” in applicant’s eyes. Second, Clark clearly teaches the claimed integrated molding, which eliminates the need for a separate ring (c. 1, lines 21-25 & 41-43) and a separate assembly step (c.2, lines 53-61). Campbell teaches the feature of the continuously curved, annular surface of the oil throw and recovery structure. The motivation for combination of this feature in Campbell with Clark is given in the rejection.

Allowable Subject Matter

4. Claims 6, 8-11 and 13-15 are allowed. Regarding independent claims 6 and 11, the prior art does not teach the claimed oil throw and recovery apparatus including, inter alia, a bearing retainer defining a generally V-shaped channel defined by a pair of legs, with one leg disposed at an angle with respect to an axis of the shaft and extending beyond the annular tip so that the annular tip is within bounds of the V-shaped channel and the other leg disposed generally transverse with respect to the axis of the shaft.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Burton S. Mullins whose telephone number is 571-272-2029. The examiner can normally be reached on Monday-Friday, 9 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Burton S. Mullins
Primary Examiner
Art Unit 2834

bsm
09 February 2005